



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FILED BY HAND HELD PRODUCTS IN HEARING AID COMPATIBILITY DOCKET

WT Docket No. 01-309

Comments Due: February 26, 2007
Reply Comments Due: March 13, 2007

By this Public Notice, we seek comment on a request filed on April 28, 2006, by Hand Held Products (“Hand Held”), seeking a “determination” from the Commission that the hearing aid compatibility obligations in Part 20 do not apply to its mobile computing line of devices.¹

Hand Held is a manufacturer of mobile computing devices that integrate data collection and transmission functions.² Specific functions include data capture, ID verification, image capture, and signature capture. According to Hand Held, all of its products are intended for commercial and industrial applications, such as warehousing, transportation, inventory, checkout, and package delivery.³ For example, the devices are used by parcel delivery services to record and transmit delivery confirmations. Hand Held states it “does not sell to, or even have a channel for selling to, general consumers.”⁴ Hand Held indicates that, at present, two of its mobile computing devices, both of them belonging to its “Dolphin” line of products, have “optionally available mobile telephone capabilities.”⁵ Specifically, the models may be “optionally equipped with a wireless WAN GSM/GPRS radio, capable of operation in the 850/1000/1900 MHz bands, and enabling real-time data and voice communications.”⁶ Hand Held

¹ Letter from Smith and Mendelson, Counsel for Hand Held Products, Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 01-309, filed Apr. 28, 2006 (Request).

² Request at 1.

³ *Id.*

⁴ *Id.*

⁵ Hand Held provides the following description of the Dolphin line: “Hand Held produces a line of rugged mobile computers associated with the Trademark Dolphin. The Dolphin line of mobile computers comprises several families of devices that provide real-time information access, data transmission, and containing [*sic*] additional telecommunications capabilities. Each mobile computer is customized to meet the business requirements and applications of Hand Held Products’ specific customers.” Hand Held Request at 3.

⁶ *Id.*

indicates that the radio features are “currently supported by Cingular Wireless service, which the customer must procure independently,” as Hand Held does not provide the GSM service.⁷

In support of its request, Hand Held states that a determination that the Commission’s hearing aid compatibility rules are inapplicable to its mobile computing devices would not frustrate access to telecommunications equipment by the hard-of-hearing.⁸ Hand Held states that its devices are business tools for industrial, commercial and government uses, not consumer products produced for the mass market.⁹ Hand Held also indicates that, where the device does have voice capability, it is an ancillary feature that is unlikely to replace commonly available mobile phones.¹⁰ Because of the size of the device, Hand Held states it is more likely to be used in speakerphone or headset mode than as a handset and therefore, it “can be used to the same level of effectiveness by hard of hearing individuals” even without hearing aid compatibility compliance.¹¹ Hand Held also argues that, although the devices are technically capable of use in handset mode, this will rarely occur because usage in this manner is similar to “putting a brick next to one’s head.”¹² Finally, Hand Held also argues that the cost of hearing aid compatibility compliance (which it estimates would add approximately \$150 to the current retail price of its devices, amounting to about 6 % to 9 % of additional cost for one of its devices) will render its products uncompetitive.¹³

The Wireless Telecommunications Bureau (Bureau) now invites the public to comment on Hand Held’s request. In particular, we invite comment as to whether the Commission’s rules governing hearing aid-compatible mobile handsets apply to Hand Held’s line of mobile computing devices¹⁴ and whether, to the extent those rules do apply to Hand Held’s devices, the Commission should waive the rules under the circumstances of this case.¹⁵ We also invite comments regarding any similar wireless devices and their status under the rules. Interested parties may file comments no later than **February 26, 2007**. Reply comments are due **March 13, 2007**. All filings should refer to WT Docket No. 01-309.

Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters

⁷ *Id.* at 3-4.

⁸ *Id.* at 6.

⁹ *Id.* at 7.

¹⁰ *Id.* at 5.

¹¹ *Id.* at 5-6.

¹² *Id.* at 6.

¹³ *Id.* at 8.

¹⁴ See 47 C.F.R. § 1.2.

¹⁵ See, e.g., 47 C.F.R. §§ 1.3, 1.925.

should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

- The filing hours at this location are 8:00 a.m. to 7:00 p.m.

- All hand deliveries must be held together with rubber bands or fasteners.

- Any envelopes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

- All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

Three (3) copies of the comments and reply comments should also be sent to the Spectrum & Competition Policy Division, Wireless Telecommunications Bureau, 445 12th Street, SW, Washington, D.C. 20554, Attn: Christina Clearwater and Peter Trachtenberg. Parties shall also send one copy to Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (800) 378-3160, or via e-mail to Joshir@erols.com.

Comments filed in response to the Public Notice are available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY-A257, Washington, D.C. 20554. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169.

This proceeding is designated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹⁶ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.¹⁷ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission’s rules.¹⁸

¹⁶ 47 C.F.R. §§ 1.1200(a), 1.1206.

¹⁷ 47 C.F.R. § 1.1206(b).

¹⁸ *Id.*

For further information, contact Christina Clearwater or Peter Trachtenberg, Spectrum & Competition Policy Division, Wireless Telecommunications Bureau, (202) 418-1310.